

**PB# 94-13**

**Clean Earth**

**68-2-2.1**

A-1

Approved 11-14-94

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

14025  
19 94

May 12

Received of Clean Earth, Inc. \$ 150.00  
one Hundred fifty 00/100 DOLLARS  
For Application Fee #94-13

DISTRIBUTION:

FUND	CODE	AMOUNT
Ch # 1456		150.00

By Dorothy H. Hansen  
sh

Town Clerk  
Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

Planning Board  
Town Hall

NO. 94-13

555 Union Ave.  
New Windsor, N.Y. 12553

May 12, 19 94

RECEIVED FROM Clean Earth, Inc.  
Seven Hundred Fifty 00/100 DOLLARS  
Site Plan Minimum Escrow

Account Total \$ 750.00

Amount Paid \$ 750.00

Balance Due \$ - 0 - Myra Mason, Secy to the PB  
ds.

"THE EFFICIENCY LINE" AN AMPAS PRODUCT

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

14357  
19 94

Nov 10

Received of Clean Earth, Inc. \$ 100.00  
One Hundred 00/100 DOLLARS  
For P.B #94-13 Approval Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
CP # 1662		100.00

By D. Hansen  
sh

Town Clerk  
Title

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10/3/94

Have Mark Copy


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Town Clerk

Title

Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12553

NO. 94-13

May 12, 7 1994

RECEIVED FROM Clean Earth, Inc.

Seven Hundred Fifty <sup>00</sup>/<sub>100</sub> DOLLARS

Site Plan Minimum Escrow

Account Total \$ 750.00

Amount Paid \$ 750.00

Balance Due \$ - 0 -

Myra Mason, Secy to the P.B.  
\$.

"THE EFFICIENCY LINE" AN AMPAD PRODUCT

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

14357

Received of Clean Earth, Inc.

100 10

1994

\$ 100.

One Hundred

00

DOLLARS

For P.B. #94-13 Approval Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CP #1662</u>		<u>100.00</u>

By D. Hansen

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

10/3/94

Save Mark Copy  
of Revised Plan  
for his approval  
fee? Cost Est.? No.

OK'd by Mark  
by phone 10/31/94

Eng 2/12/90



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/16/94

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 94-13

NAME: CLEAN EARTH OF NEW YORK, INC.

APPLICANT: CLEAN EARTH OF NEW YORK, INC.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
05/09/94	S.P. MINIMUM	PAID		750.00	
06/08/94	P.B. ATTY. FEE	CHG	35.00		
06/08/94	P.B. MINUTES	CHG	40.50		
09/14/94	P.B. ATTY. FEE	CHG	35.00		
09/14/94	P.B. MINUTES	CHG	31.50		
09/28/94	P.B. ATTY. FEE	CHG	35.00		
09/28/94	P.B. MINUTES	CHG	13.50		
11/07/94	P.B. ENGINEER	CHG	212.50		
11/16/94	RET. TO APPLICANT	CHG	347.00		
		TOTAL:	750.00	750.00	0.00

*Please issue a check  
in the amount of \$347.00 to:*

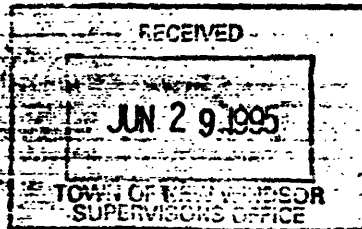
*Clean Earth, Inc.  
P.O. Box 87  
Vails Gate, N.Y. 12584*

**New York State Department of Environmental Conservation**

**Division of Solid Waste, Region 3**

**21 South Platt Corners Rd., New Paltz, NY 12561-1696**

**Telephone: (914) 256-3143 Fax: (914) 255-3414**



**Michael Zagata**  
Commissioner

**June 28, 1995**

**ATTN: JAMES Mc GRANE or DOMINIK MASSELLI**  
**c/o CLEAN EARTH of NEW YORK**  
**PO BOX 87**  
**VALES GATE, NY 12584**

cc: P. Crotty ✓  
J. Littera ✓  
A. Kriger  
FYI

**RE: 360 Permit Application**  
**Clean Earth Stationary Soil Remediation Unit (SSRU)**  
**Mertes Lane, New Windsor Site, New York, Orange County**  
**DEC # 3-3348-00137-00001-0**

**Dear Mr. Mc Grane or Masselli:**

The NYSDEC staff conducted two site visits to your facility. The first site visit was on May 19, 1995 which was conducted by A. Klauss, A. Fuchs, R. Stanton and Dr. F. Abdelsadek. The second was on May 22, 1995 which was conducted by M. Merriman and Dr. F. Abdelsadek.

The reasons for these two site visits were to identify and oversee the amount of work, related to the facility's Part 360 permit to construct, which has been completed and the remaining work which needs to be completed in order for your facility to comply with Part 360 Permit to construct.

As a result of these two site visits, the following constructional work needs to be completed in order for the facility to comply with the requirements of your Permit to construct and prior to issuance of Part 360 Permit to operate.

Attachment #1 includes a list of technical solid waste items which need to be completed in order to operate:

1. Constructional work to be completed prior to operation and in accordance with your Part 360 Permit to construct; and
2. Items to be completed in order to submit an application for a permit to operate.

If you have any further questions, need additional information in this matter or wish to discuss these items, please call me at (914)256-3131. Attachment #1 does not address issues related to Statement of Environmental Quality Review (SEQR).

Sincerely

*Fawzy Abdelsadek*

**Fawzy I. Abdelsadek, Ph.D., P.E.**  
**Environmental Engineer 2**

**Attachment:**

**cc: G. Meyers, Supervisor of the Town of New Windsor**

June 22, 1995

**ATTACHMENT #1**

**I. Construction work to be completed prior to operation and in accordance with Part 360 Permit to construct:**

Two site inspections were conducted. The first was on May 19, 1995 by A. Klauss, A. Fuchs, R. Stanton and Dr. F. Abdelsadek. The second was on May 22, 1995 by M. Merriman and Dr. F. Abdelsadek. As a result of the two site inspections the following construction work needs to be completed in order for the facility to comply with requirements of Part 360 Permit to construct:

1. Drawing 91.1169A revised 11/11/91 shows that all areas (with the exception of those drained to the two 5000 gallon holding tanks) are drained to an on-site oil/ water containment separator at the south-west corner of the facility. The effluent from the oil/ water separator is discharged through an 8" pipe to a Pond. These units were not constructed. The oil/ water separator, the water holding pond and other accessories related to the drainage-discharge system must be completed as per Part 360. The effluent from the system flows to the wet lands on the west side of Mertes Lane Road. This discharge may be regulated and may require a SPDES Permit (this has to be referred to the Water Division).
2. The treated soil (which may not be clean soil), awaiting for the results of the laboratory analysis, is stored on a second staging area (multiple logs). For this area to be complete, the following construction must be done:
  1. A suitable top cover must be constructed for this area to prevent rain from entering into the soil.
  2. This area must be drained to the oil water/separator (as required by the Permit) or to a separate collection tank . If the facility prefers to use a separate tank, the design of the tank must be provided.
3. The outer side of the earth berm of the building, where contaminated soil is stored, is eroded and needs to be maintained and stabilized by coating with an asphaltic coating or similar material.
4. The floor of the load/unload (first staging) area is not properly slopped and drained to the two on-site 5000 gallon collection tanks. The slope of the floor must be adjusted, constructed, and maintained to allow free gravity drainage to the oil/water holding tank.
5. The facility must be secured to prevent unauthorized entry (this may be done by construction of a fence around the facility). At certain locations along the perimeter of the facility, boarders may be needed to prevent run-on to and run-off from the facility.
6. Drawing 91.1169A revised 11/11/91 shows two wells, a discussion must be provided to identify their function. If these wells are designed to be part of the groundwater monitoring system, detailed information about these wells (such as depth of penetration, screen length.. etc) must be provided and approved by the Department Prior to operation.
7. Prior to operation, a construction certificate (affidavit) shall be prepared by a person registered to practice professional engineering in the State of New York, submitted to the Regional Solid Waste Engineer (RSWE) for written approval, certifying that construction has been completed in accordance with all the terms and conditions of this permit and the approved plans.

**II. ITEMS TO BE COMPLETED FOR PERMIT TO OPERATE**

8. All construction shall be completed in accordance with the approved engineering drawings. Due to so many changes made in the permit application in response to NYSDEC comments, the Permittee must

submit a consolidated and updated permit operation application which incorporate all approvable changes and reflects the current on-site structures, and equipment associated with the nonhazardous petroleum contaminated soil (PCS) processes.

9. The updated site plan referenced in condition #8 must show the locations of the water fire hydrants and must demonstrate that adequate water is available for fire fighting from on-site and/or off-site water sources. An affidavit from the local authorities, including the fire Chief, must be provided and a fire prevention plan must be included in the contingency plan, which is part of the operation and maintenance manual (O&M).
10. The Permittee must provide a certificate that all storage units and areas used to store flammable and combustible liquids are meeting the requirements of the National Fire Protection Association (NFPA) standards.
11. An engineering assessment (integrity test) must be conducted prior to operation and every three years after operation to indicate that the two 5,000 gallon underground storage tanks and drainage sewer lines associated with them which are used to collect leachate runoff are leak proof. The results of these tests, including the final engineering report, must be certified by a NYS Professional Engineer and submitted to the RSWE with the facility's annual report. This report shall present the results of the 3 year inspection and intervening annual inspections. The report shall include documentation of the procedures used, records of parameters measured, quality assurance/ quality control procedures and summary of inspections.
12. An engineering inspection must be conducted on the poly steel building impervious floor and embankment containment PCS storage area, load/unload concrete area and other impervious floor areas used to store processed PCS to indicate that these storage areas are in good condition (no cracks, apparent structural defects or deterioration) and are not leaking. The results of these inspections, including the final engineering report, must be certified by a NYS Professional Engineer and submitted to the RSWE.
13. The method of level control and management of the collected leachate in the two 5,000 gallon underground storage tanks must be provided.
14. The permittee is required to provide detailed drawings of the drainage system used to drain and collect the wash and rain water from areas which are served by the water containment (rectangular area 80'x50'). The exact water depth and elevation of the containment must be provided. The water drains to Catch Basin (CB, dimensions are required), to an oil/water separator (17'x 7' by 9' 2" height), where water is collected, monitored and transported for recycling or disposal off-site in accordance with Part 364.
15. The treatment capacity of the PCS treatment unit(s) must not exceed the maximum allowable capacity authorized by NYSDEC. This maximum capacity will be determined by NYSDEC, based on the levels of PCS contamination and the results of the stack test(s) which will be conducted in accordance with the NYSDEC Test Burn Protocol. The processing rate will be based on the petroleum content of the contaminated soils as outlined below for one SRU designed for 15 ton/hour (Maximum allowable petroleum content in soil 1% by weight, this limit will be subject to the Department review and adjustment):
16. The Permittee must determine the hydraulic permeability of the PCS prior to the stack test. The Department may limit treatment of PCS to those types of soil which have been successfully stack tested.
17. Water spray must be used for suppressing dust from remediated soil.

**18. The Permittee is required to provide an operation and maintenance manual (O&2M). The O&2M must include, but not limited to:**

- a. A process flow diagram. A flow diagram (or diagrams) which illustrates the complete material and process sequence. This diagram must depict all major equipment associated with the facility, including weighing, accepting, testing, processing, heating, cooling, ventilation, hazardous waste detection, treatment, and storage of all PCS and other solid wastes. The testing points and the parameters to be tested for must be presented on this flow diagram.**
- b. A waste control plan for testing incoming and outgoing PCS, which complies with the requirements of STARS Memo #1, meets approved EPA and NYS standards, and meets the requirements of your constructional Permit Application, unless otherwise approved by the Department in writing. Prior to operation, a contaminated PCS quality control plan must be submitted and approved by the Department. The plan must assure that methods of sampling, analysis and testing must be conducted in accordance to the NYSDEC Standards and Guidance and any revisions thereafter during the effective period of the Part 360 Permit. This plan must include the following:**
  - (1) pre-treatment sample collection and analysis, detailed procedures to be used for testing each incoming load of PCS before being shipped/accepted/unloaded at the facility for treatment. These methods must include, but not limited to, frequency and test methods used for: hazardous waste determination, detection limit and identification of different petroleum contaminants and the limits if exceeded the load may be rejected or further laboratory tests may be needed.**
  - (2) a training program used for facility personnel to aid them in recognizing a regulated, listed hazardous waste (see condition #18e).**
  - (3) detailed procedures as to how the owner or operator will handle a load of PCS that is suspected to be, or is determined to contain a listed hazardous waste. This plan must include the following:**
    - (i) a description of the procedures to be used if the load is rejected prior to it being off-loaded at the facility;**
    - (ii) a description of the procedures to be used if the load is off-loaded at the facility and is later found to contain a listed hazardous waste; and**
    - (iii) a description of the procedures for notifying the Department if a load of PCS is rejected from the facility due to the potential of the load containing a listed hazardous waste. These procedures must include the notification by the facility operator of the regional Hazardous Substances Engineer (at 914-256-3136) immediately within 2 hours by phone and within fifteen (15) days by letter.**
  - (4) post-treatment sample collection and analysis which include: detailed procedures to be used for testing treated soil (see item # 19 for details)**
  - (5) prior to the implementation of any changes to the PCS control plan, they must be submitted to the Department for approval.**
- c. Facility Maintenance and monitoring. In addition, all instructions used for operation and maintenance of the facility has to be included. The permit application has to include a department approved facility maintenance, monitoring and inspection plan, which in addition to**

the matters identified in subdivision 360-1.14(h) includes:

- (1) A description of the monitoring and inspection to be undertaken at the facility to discover and correct equipment malfunctions or deteriorations; operator errors, and discharges that may threaten the environment or human health.
  - (2) A schedule for inspecting all aspects of the facility necessary to ensure maximum facility availability. The frequency of inspection must be based on the projected rate of equipment deterioration or malfunction, and the probability of failure between inspections. Areas of the facility subject to spills and areas in which adverse environmental or health consequences may result if breakdown occurs, must be inspected daily when in use.
  - (3) A schedule for inspection of: safety and emergency equipment, security devices, operating process equipment and structural aspects of the facility. The plan must identify the types of problems to be looked for during the inspection; the frequency of inspections, and the minimum standards of acceptability where applicable.
  - (4) Schedules for anticipated repairs and major equipment replacement; and a list of equipment dealers to supply standby or emergency equipment.
  - (5) At least annually, a general facility inspection must be undertaken to determine the operating condition of the safety, emergency, security, process, and control equipment. Summary report of the inspection must be submitted.
  - (6) Samples of the facility's inspection forms.
- d. Contingency Plan. Prior to operation, a department approved contingency plan detailing corrective or remedial action to be taken in the event of equipment breakdown; air pollution (nuisance odors); unacceptable waste delivered to the facility; groundwater contamination; spill; and undesirable conditions such as dust, noise, vectors, and unusual traffic conditions must be addressed.
- e. Personnel Training. Prior to operation, a detailed description of the training program used for facility personnel to aid them in recognizing a regulated, listed hazardous waste must be provided and approved by the Department. The training program has to provide for routine testing and maintenance to assure the proper operation of all emergency equipment including, but not limited to communications or alarm systems, fire protection, spill control, and personal safety equipment.

The owner or operator of the facility must provide training specific to handling PCS for all individuals involved in the operation of the facility. This training program must be provided as soon as possible after such individuals are employed at the facility; and be completed before these individuals are allowed to handle PCS.

The facility must submit a personnel staffing and training plan that:

- (1) demonstrates that adequate staff are provided for essential positions and describe how all facility personnel will successfully complete a program of instruction, on-the-job training, and periodic retraining. This training must teach staff to perform their duties in a way that ensures the facility's compliance with the requirements of this Part and Part 364 of this Title;
- (2) identifies facility personnel and the procedures that will be used to train facility staff in

June 28, 1995

the processing and handling of all solid waste received at the facility in accordance with the waste control plan;

- (3) identifies the positions which will receive training, and identify the instructor(s) who must know the procedures, equipment, and processes at the facility. The training must teach facility personnel proper PCS management procedures (including contingency plan implementation) relevant to the positions in which they are employed. This training and staffing plan must include, where applicable:
  - (i) procedures for familiarizing facility personnel with emergency equipment, radiation detection devices and safety equipment, emergency procedures, and emergency systems;
  - (ii) procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
  - (iii) key parameters for system shutoff;
  - (iv) communication or alarm systems;
  - (v) response to fires or explosions, spills, and leaks;
  - (vi) response to surface and groundwater contamination incidents; and
  - (vii) start-up and shutdown of operations;
  - (viii) documentation that the training has been given to, and completed by, facility personnel;
- (4) provides for maintenance of training records for current and former employees of the facility; and
- (5) includes procedures of equipment decontamination.

19. Post-treatment sample collection and analysis for treated soil shall be conducted as follows: (These requirements are currently being evaluated by the Department and may change based on this evaluation.)

**Gasoline Contaminated Soil**

- a. Two representative grab samples per 500<sup>(2)</sup> tons of treated, stockpiled soil.
- b. One composite sample of three representative grab samples per 500<sup>(2)</sup> tons of treated, stockpiled soil.
- c. All three samples (i.e., 2 grab and 1 composite) shall be analyzed by NYSDOH approved laboratory using EPA Method 8021 plus MTBE<sup>(1)</sup> in accordance with DEC STARS Memo #1.

<sup>(1)</sup> If MTBE is not identified in the pretreatment phase testing, it is not necessary to continue testing for this compound in the post treatment phase.

<sup>(2)</sup> The sampling requirements shall apply to soil quantities of less than 500 tons if the facility chooses to segregate treated soil into stockpile "batches" smaller than 500 tons.

**Fuel Oil-Contaminated Soil**

- a. Two representative grab samples per 500<sup>00</sup> tons of treated, stockpiled soil.
- b. One composite sample of three representative grab samples per 500<sup>00</sup> tons of treated, stockpiled soil.
- c. All three samples (i.e., 2 grab and 1 composite) shall be analyzed by NYSDOH approved laboratory using EPA Method 8021 plus MTBE<sup>00</sup> and Method 8270 (Base Neutrals) in accordance with DEC STARS Memo #1.

Mixed (Non-Segregated) Petroleum Contaminated Soil

- a. Two representative grab samples per 500 tons of treated, stockpiled soil.
  - b. Two composite samples of three representative grab samples per 500<sup>00</sup> tons of treated, stockpiled soil.
  - c. All four samples (i.e., 2 grab and 2 composite) shall be analyzed by NYSDOH approved laboratory using EPA Method 8021 plus MTBE<sup>00</sup> and Method 8270 (Base Neutrals) in accordance with STARS Memo #1. The results shall meet the soil cleanup criteria identified in NYSDEC STARS Memo #1.
20. The Permittee must submit an approvable environmental and groundwater monitoring plan, "a stand alone document", to be implemented if required by the Department. This plan must:
- a. identify the number, locations and elevations of all existing and abandoned groundwater monitoring wells on a site plan map.
  - b. include a table listing of all environmental monitoring wells together with sampling frequencies and analytical parameters to be tested for.
  - c. include a proposed schedule for installation of the new environmental monitoring wells.
21. A closure plan shall be prepared in accordance to Part 360, by a person licensed to practice professional engineering in the state of New York and submitted to the Department for approval prior to operation. The approvable closure plan must contain, in addition to the closure requirements of subdivisions 360-1.14(w), an identification of the steps necessary to close the facility.

A detailed estimate of the costs of closing the facility along with the post-closure monitoring costs (if required by the Department) for a minimum period of 30 years shall be developed. The closure plan must include the cost estimate for closure of each of the units and final closure of the facility. The estimate will also review the costs if site operations were interrupted at 5 and 10 years.

The plan must be amended whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. The plan (be adjusted annually for inflation) may be amended at any time during the active life of the facility (a copy must be submitted to the Department).

22. In accordance with 6NYCRR Part 360-1.12 and Part 373-2.8 of this title and prior to receiving a Permit to operate, the permittee shall provide to the Department a form of Financial Assurance acceptable to the Department, in the amount (approved by the Department in the closure plan cost estimate) for closure and post closure monitoring of this facility. Neither the provision of the financial assurance, nor any act of the Department in drawing upon the financial funding, shall relieve the permittee of it's obligation to comply with this permit and the requirements to close the facility properly. The surety shall be in a form acceptable to the Department, and be submitted to:



**Regional Solid Waste Engineer  
Division of Solid Waste  
NYS DEC  
21 South Putt Corners Road  
New Paltz, New York 12561-1696**

The amount is based on the estimated cost of closing the facility, along with any post closure monitoring requirements.

The financial assurance instrument shall be in the form of a stand-by trust with a trustee approved by the department.

The Department reserves the right to adjust the amount of the Financial Assurance to account for changing closure costs and for non-compliance with any conditions of this permit or any requirement of Part 360.

**Termination.** In the event that the financial institution proposes to terminate the Financial assurance at any time, the permittee shall, no less than thirty days prior to the effective date of such termination, provide a substitute Financial Assurance in the same amount and form, or other form acceptable to DEC. If an acceptable substitute has not been provided by thirty days prior to the termination date, DEC may draw upon the Financial Assurance for its amount and hold the amount drawn as a cash collateral guarantee until such time as an acceptable substitute is provided or if necessary during the time prior to the provision of a substitute Financial Assurance, may expend such sums as may be required in the event of the permittee's default of its obligations regarding compliance with this permit, the Permit to Operate this facility or its closure.

23. The facility may be required to have an on-site environmental monitor.

(Other items may be added as necessary to complete the Permit )

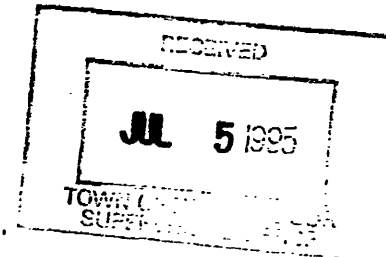
New York State Department of Environmental Conservation  
Jean-Ann McGrane, Regional Director, Region 3  
21 South Putt Corners Road, New Paltz, NY 12561-1696  
PH: 914-256-3003 FAX: 914-255-0714



Michael D. Zagata  
Commissioner

June 29, 1995

SUPERVISOR GEORGE J. MEYERS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR NY 12553



Subject: Clean Earth Site Plan

Dear Mr. Meyers:

Thank you for your May 26, 1995 letter which provided information to the Department regarding a site visit by the Town of New Windsor's code enforcement officers to the Clean Earth Site. The primary areas of concern raised by these officers were directed at the pile of material at the west end of the site and erosion which has been occurring from that pile. Also raised in your letter was a concern regarding the silt and erosion running into a culvert discharging to a New York State freshwater wetland.

The pile of material at the west end of the site is considered construction and demolition (C&D) debris by the Department. However, certain types of C&D (uncontaminated concrete and concrete products including steel or fiberglass reinforcing rods that are embedded in the concrete, asphalt pavement, brick, glass, soil and rock) are exempt from the Department's Solid Waste regulations. Department staff have inspected the site and have found no evidence that the material on the west side of the site is not exempt. Therefore, unless the Town has additional information pertaining to this material, the Department has no reason to believe that this material is not exempt.

On the other hand, the facility must maintain appropriate measures to prevent erosion of the pile from affecting surface waters of the State. The Department is informing the owners of the site by copy of this letter of the need for appropriate measures to be taken to assure that the pile is stabilized and that erosion does not adversely impact surface waters.

The issue regarding the impact on wetlands has been reviewed by Department staff. Based on an inspection by DEC staff, the haybales are curtailing siltation impact, if any, to the wetland. Potential petroleum contaminants are also being contained in the soil within the building. Other required measures, as appropriate, are under consideration by the Department.

Town of New Windsor  
June 29, 1995  
Page 2

If you require any additional information please contact Albert Klauss at 914-256-3155.

Sincerely yours,

*Jean Ann McGrane h/ab*

Jean-Ann McGrane, M.S., Esq.

JAM/lc

cc: Dominick Masselli, Clean Earth of NY, PO Box 87, Vails Gate 12584  
James McGrane, Clean Earth of NY  
A. Klauss  
A. Fuchs/F. Abdelsadek  
B. MacMillan  
C. Manfredi  
M. Merriman  
R. Stanton

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/16/94

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 94-13

NAME: CLEAN EARTH OF NEW YORK, INC.  
APPLICANT: CLEAN EARTH OF NEW YORK, INC.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
11/14/94	PLANS STAMPED	APPROVED
09/28/94	P.B. APPEARANCE . SUBJECT TO SHOWING FRONT DIMENSION NOT TO SCALE - PER MARK	ND: APPROVE. SUB TO
09/21/94	WORK SESSION APPEARANCE . SUBMIT NEW PLANS - VARIANCES NOT NEEDED - RETURN TO BOARD	SUB. REVISED PLANS
09/14/94	P.B. APPEARANCE	REFERRED TO Z.B.A.
06/08/94	P.B. APPEARANCE . CORRECT BULK TABLES AND RETURN TO NEXT AGENDA IF PLANS IN	LA: WAIVE PH
05/25/94	P.B. APPEARANCE . CAME TOO LATE FOR MEETING	NO SHOW

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/16/94

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 94-13

NAME: CLEAN EARTH OF NEW YORK, INC.

APPLICANT: CLEAN EARTH OF NEW YORK, INC.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	05/09/94	MUNICIPAL HIGHWAY	09/07/94	SUPERSEDED BY REV1
ORIG	05/09/94	MUNICIPAL WATER	05/13/94	WATER NOT AVAILABLE
ORIG	05/09/94	MUNICIPAL SEWER	09/07/94	SUPERSEDED BY REV1
ORIG	05/09/94	MUNICIPAL FIRE	05/16/94	APPROVED
ORIG	05/09/94		09/07/94	SUPERSEDED BY REV1
ORIG	05/09/94		09/07/94	SUPERSEDED BY REV1
REV1	09/07/94	MUNICIPAL HIGHWAY	09/09/94	APPROVED
REV1	09/07/94	MUNICIPAL WATER	09/09/94	APPROVED
REV1	09/07/94	MUNICIPAL SEWER	09/22/94	SUPERSEDED BY REV2
REV1	09/07/94	MUNICIPAL FIRE	09/09/94	APPROVED
REV1	09/07/94		09/22/94	SUPERSEDED BY REV2
REV1	09/07/94		09/22/94	SUPERSEDED BY REV2
REV2	09/22/94	MUNICIPAL HIGHWAY	/ /	
REV2	09/22/94	MUNICIPAL WATER	09/26/94	NO TOWN WATER
REV2	09/22/94	MUNICIPAL SEWER	/ /	
REV2	09/22/94	MUNICIPAL FIRE	09/27/94	APPROVED
REV2	09/22/94		/ /	
REV2	09/22/94		/ /	

94-13

SITE PLAN FEES - TOWN OF NEW WINDSOR

APPLICATION FEE:.....\$ 100.00 ~~150.00~~ *pd*

\* \* \* \* \*

ESCROW:

SITE PLANS (\$750.00 - \$2,000.00).....\$ \_\_\_\_\_

MULTI-FAMILY SITE PLANS:

\_\_\_\_\_ UNITS @ \$100.00 PER UNIT (UP TO 40 UNITS)....\$ \_\_\_\_\_

\_\_\_\_\_ UNITS @ \$25.00 PER UNIT (AFTER 40 UNITS).....\$ \_\_\_\_\_

TOTAL ESCROW PAID:.....\$ \_\_\_\_\_

\* \* \* \* \*

PLAN REVIEW FEE: (EXCEPT MULTI-FAMILY) \$ \_\_\_\_\_

PLAN REVIEW FEE (MULTI-FAMILY): A. 100.00  
PLUS \$25.00/UNIT B. 150.00

TOTAL OF A & B: \$ 100.00 *pd*

RECREATION FEE: (MULTI-FAMILY)

\$1,000.00 PER UNIT

\_\_\_\_\_ @ \$1,000.00 EA. EQUALS: \$ X  
NUMBER OF UNITS

SITE IMPROVEMENT COST ESTIMATE: \$ \_\_\_\_\_

A. 4% OF FIRST \$50,000.00 A. \_\_\_\_\_  
B. 2% OF REMAINDER B. \_\_\_\_\_

TOTAL OF A & B: \$ X

TOTAL ESCROW PAID:.....\$ 750.00

TO BE DEDUCTED FROM ESCROW: 403.00

RETURN TO APPLICANT: \$ 347.00

ADDITIONAL DUE: \$ \_\_\_\_\_

# RESULTS OF P.B. MEETING

DATE: September 28, 1994

PROJECT NAME: Clear Earth S.P. PROJECT NUMBER 94-13

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

1 abstain (V)

M)    S)    VOTE: A    N   

\* M)    S)    VOTE: A 4 N 0

CARRIED: YES    NO   

\* CARRIED: YES: ✓ NO   

\*\*\*\*\*

PUBLIC HEARING: M)    S)    VOTE: A    N   

WAIVED: YES    NO   

SEND TO OR. CO. PLANNING: M)    S)    VOTE: A    N    YES    NO   

SEND TO DEPT. OF TRANSPORT: M)    S)    VOTE: A    N    YES    NO   

DISAPP: REFER TO Z.B.A.: M)    S)    VOTE: A    N    YES    NO   

RETURN TO WORK SHOP: YES    NO   

APPROVAL:

M)    S)    VOTE: A    N    APPROVED:   

1 abstain (V)

M) 1 S) 5 VOTE: A 4 N 0 APPR. CONDITIONALLY: 9/28/94

NEED NEW PLANS: YES ✓ NO   

DISCUSSION/APPROVAL CONDITIONS:   

Show front dimension not to scale.

# RESULTS OF P.B. MEETING

DATE: September 14, 1994

PROJECT NAME: Clean Earth S.P. PROJECT NUMBER 94-13

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

M)    S)    VOTE: A    N   

\* M)    S)    VOTE: A    N   

CARRIED: YES    NO   

\* CARRIED: YES:    NO   

\*\*\*\*\*

PUBLIC HEARING: M)    S)    VOTE: A    N   

WAIVED: YES    NO   

SEND TO OR. CO. PLANNING: M)    S)    VOTE: A    N    YES    NO   

SEND TO DEPT. OF TRANSPORT: M)    S)    VOTE: A    N    YES    NO   

DISAPP: REFER TO Z.B.A.: M) 5 S) 1 VOTE: A 0 N 3 YES ✓ NO   

RETURN TO WORK SHOP: YES    NO   

APPROVAL:

M)    S)    VOTE: A    N    APPROVED:   

M)    S)    VOTE: A    N    APPR. CONDITIONALLY:   

NEED NEW PLANS: YES    NO   

DISCUSSION/APPROVAL CONDITIONS:   

Needs Bldg Height  
Will have to go to Z.B.A. at Building Permit Stage.



RESULTS OF P.B. MEETING

DATE: June 8, 1994

PROJECT NAME: Clean Earth Amend. S.P. PROJECT NUMBER 94-13

\*\*\*\*\*

LEAD AGENCY: 1 Abstain (Van Leeuwen) NEGATIVE DEC:

M) S S) L VOTE: A 3 N 0 \* M)    S)    VOTE: A    N   

CARRIED: YES    NO    \* CARRIED: YES:    NO   

\*\*\*\*\*

PUBLIC HEARING: M) L S) S VOTE: A 9 N 0  
WAIVED: YES ✓ NO    1 Abstain (Van Leeuwen)

SEND TO OR. CO. PLANNING: M)    S)    VOTE: A    N    YES    NO   

SEND TO DEPT. OF TRANSPORT: M)    S)    VOTE: A    N    YES    NO   

DISAPP: REFER TO Z.B.A.: M)    S)    VOTE: A    N    YES    NO   

RETURN TO WORK SHOP: YES    NO   

APPROVAL:

M)    S)    VOTE: A    N    APPROVED:   

M)    S)    VOTE: A    N    APPR. CONDITIONALLY:   

NEED NEW PLANS: YES    NO   

DISCUSSION/APPROVAL CONDITIONS:   

Correct Built Tables (Bldg. Ht.) (set back)

Next Agenda (if new plan is)



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

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**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** CLEAN EARTH OF NEW YORK SITE PLAN AMENDMENT  
**PROJECT LOCATION:** MERTES LANE  
SECTION 68-BLOCK 2-LOT 2.1  
**PROJECT NUMBER:** 94-13  
**DATE:** 28 SEPTEMBER 1994  
**DESCRIPTION:** THE APPLICATION INVOLVES A PROPOSED AMENDMENT  
TO THE PREVIOUSLY APPROVED SITE PLAN. THE  
APPLICATION WAS PREVIOUSLY REVIEWED AT THE  
8 JUNE 1994 AND 14 SEPTEMBER 1994 PLANNING BOARD  
MEETINGS.

1. The property is located within the PI Zoning District. The Application indicates classification as Use A-15, a use permitted by right. The required bulk information shown on the plan appears correct for the zone and proposed use.
2. Previously, it was my concern that the proposed building required a variance for building height based on the proposed location. The new plans indicate a rear yard setback from the new proposed building as 51 feet (shown not to scale on the drawing). Based on this rear yard setback, the proposed building of 24 foot height would be acceptable and no variance would be necessary.

The plan should also indicate that the setback of the proposed building from the front yard is also shown not to scale.

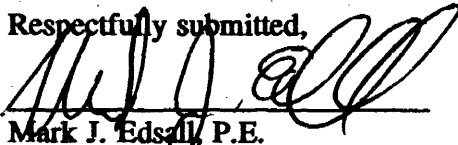
- X
3. If no other changes to the plan are proposed other than the structure over the contaminated soil area, and said building is constructed so as to comply with the minimum zoning bulk requirements, I am aware of no other concerns with regard to this application.
  4. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 2**

**REVIEW NAME:** CLEAN EARTH OF NEW YORK SITE PLAN AMENDMENT  
**PROJECT LOCATION:** MERTES LANE  
SECTION 68-BLOCK 2-LOT 2.1  
**PROJECT NUMBER:** 94-13  
**DATE:** 28 SEPTEMBER 1994

5. The Planning Board may wish to make a determination regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
6. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:CLEAN2.mk



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

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**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**REVIEW NAME:** CLEAN EARTH OF NEW YORK SITE PLAN AMENDMENT  
**PROJECT LOCATION:** MERTES LANE  
SECTION 68-BLOCK 2-LOT 2.1  
**PROJECT NUMBER:** 94-13  
**DATE:** 14 SEPTEMBER 1994  
**DESCRIPTION:** THE APPLICATION INVOLVES A PROPOSED AMENDMENT  
TO THE PREVIOUSLY APPROVED SITE PLAN.

1. My previous comments indicated my concern with regard to the construction of the containment structure. Specifically, I suggested that the bulk table required revision and, as well, I was concerned as to the possible need for a variance in connection with this application.

The bulk table on this plan has not been revised. Further, the Board should determine, for the record, whether they believe a referral to the ZBA is required.

2. The Applicant has added the location of the diesel fuel tank onto the plans and, as well, the "office and watchman trailer" has been relocated to the north.

The Board should ask the Applicant if any other items have changed on this plan, in comparison to both the previous plan submitted and the previously approved plan.

3. Other than the zoning compliance concern noted above, I am aware of no new concerns with regard to this application. If the Board believes the plan is in compliance with the Zoning Regulations, and they have no other concerns, this amendment application could be considered for approval.

Respectfully submitted,

Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEmk  
A:CLEAN.mk



**McGOEY, HAUSER and EDSALL**  
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*REISSUED*  
*8 JUNE '94*

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

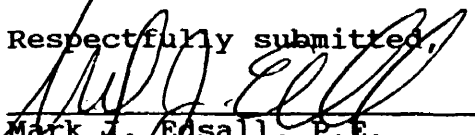
**PROJECT NAME:** CLEAN EARTH OF NEW YORK SITE PLAN AMENDMENT  
**PROJECT LOCATION:** MERTES LANE  
SECTION 68-BLOCK 2-LOT 2.1  
**PROJECT NUMBER:** 94-13  
**DATE:** 25 MAY 1994  
**DESCRIPTION:** THE APPLICATION INVOLVES A PROPOSED AMENDMENT TO  
THE PREVIOUSLY APPROVED SITE PLAN OF THE PROJECT.

1. It is my understanding that the Applicant proposes an enclosure/building for the contaminated soil area. This building appears to be approximately 65' x 115', with a height of approximately 32.5'.

First, the Applicant should evaluate the needed revisions to the zoning bulk table and the effect of this building on the floor area ratio and maximum building height provisions.

2. The Board should request, from the Applicant, indication whether any other changes are proposed with this plan in comparison to that which was previously reviewed and approved.
3. The Planning Board may wish to assume the position of Lead Agency under the SEQRA process.
4. The Planning Board should determine, for the record, if a Public Hearing will be necessary for this Site Plan Amendment, per its discretionary judgement under Paragraph 48-19.C of the Town Zoning Local Law.
5. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEmk  
A:CLEAN.mk

CLEAN EARTH AMENDED SITE PLAN (94-13) MERTES LANE

Patrick Kennedy appeared before the board for this proposal.

MR. KENNEDY: The item that we had to resolve was the height of the building. While in fact when we showed 30 feet from the property line, that is not where they wound up physically building it. When we went out and measured it, it was 51 feet from the property line which would allow 25 feet, 25 1/2 feet. However, even from that, instead of one single dome of curb structures, they showed, they wound up putting DEC wanted something in there now, a double-sided thing, double curb, which is at present height 16 feet, the offset from the property line would allow 25 or 16 feet. They propose putting one single dome up to the top which would bring it between 22 and 24 feet which would still be within the allowable limits. I believe we had answered everything else.

MR. PETRO: The last time we saw this, we were pretty much to the point where there was not many more questions other than the height of the building and I believe we were going to send you to the Zoning Board for that. You no longer need that relief?

MR. KENNEDY: They put something totally different in. We don't need that.

MR. PETRO: Mark, you have a couple notes here about the plan's not to scale for the buildings?

MR. EDSALL: I'm just noting that it is not that there's a problem, just that Pat, I'm bringing it to your attention that the rear dimension--

MR. KENNEDY: Put the note on there so that when you measured it, you know, it wasn't--

MR. EDSALL: For the front dimension, which is not to scale, you show that one not to scale as well, that is my suggestion. Obviously, that is not a serious issue. They've resolved the serious issue, question of whether or not they need a variance. Based on what Pat is now

telling us they don't need one so I don't see any problem.

MR. PETRO: DEC is requesting that the building be installed. Pat?

MR. KENNEDY: Yes, like I said, they went through this as they were creating the regulations for this type of project, as the project went along, so they asked for this to go in. Then they asked for that. Then they asked why don't we cover this and like I said, the other contaminated soils out there, you can't just put a tarp cause you're constantly working cause they asked to have a tarp type structure over it.

MR. PETRO: I think we have belabored this plan enough.

MR. SCHIEFER: I make a motion for lead agency in this matter.

MR. LANDER: Second it.

MR. PETRO: We took lead agency on June 8, so let's go to negative dec. Withdraw your motion because we did lead agency on June 8.

MR. SCHIEFER: On the amended site plan?

MR. PETRO: Yes.

MR. SCHIEFER: I'm sorry.

MR. PETRO: In Mark's comments.

MR. EDSALL: I didn't have the note of that.

MR. SCHIEFER: Withdrawn.

MR. PETRO: Number 5 then.

MR. SCHIEFER: Make a motion we declare negative dec.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the

7 New Windsor Planning Board declare negative dec for the Clean Earth site plan amendment on Mertes Lane. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHIEFER	AYE
MR. LANDER	AYE
MR. DUBALDI	AYE
MR. VAN LEEUWEN	ABSTAIN
MR. PETRO	AYE

MR. LANDER: We waived public hearing.

MR. PETRO: Yes and we have fire approval on 9/27/94, highway from the first plan, I'm sorry, 9/9/94, yes.

MR. LANDER: Make a motion that we approve the Clean Earth amended site plan with the stipulations that--do we have to change something on here?

MR. KRIEGER: The scale.

MR. LANDER: The scale be corrected.

MR. SCHIEFER: I'll second that.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Clean Earth of New York site plan amendment on Mertes Lane subject to the scale being fixed on the plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHIEFER	AYE
MR. LANDER	AYE
MR. DUBALDI	AYE
MR. VAN LEEUWEN	AYE
MR. PETRO	AYE

MR. PETRO: Thank you.



CLEAN EARTH AMENDED SITE PLAN (94-13) MERTES LANE

Mr. Patrick Kennedy appeared before the board for this proposal.

MR. PETRO: Pat, you went to the Zoning Board?

MR. KENNEDY: No, we did not go to the Zoning Board.

MR. PETRO: You were going to go to the Zoning Board and something changed?

MR. KENNEDY: We were going to discuss all that first, see if we talked about the height of the building and the distance from the property line and whether it really needed a zoning variance or whether or not the building can be lowered.

MR. PETRO: First we decided whether it was the building and it is the building.

MR. KENNEDY: I think we made that determination, they talked to Mark and Andy here and the zoning allows a along the railroad, that side by the railroad to have zero setback. Well, if you have zero setback and the building height is determined on the distance from the property line which means if you were at zero setback, you'd have a building that is no feet high. So how does that relate to building height and Andy was going to try to make some kind of determination or answer on that.

MR. KRIEGER: Basically, the situation is twofold. First of all, the Planning Board, it is not within the Planning Board's power to deny site plan based on a zoning difficulty. It is also not within their power to resolve that zoning difficulty. So, it is, what's said here about that is not going to bind the building inspector in terms of disapproving. I mean, even though you have an approved site plan, if he acts to disapprove, then the appropriate body to either overrule his interpretation of the ordinance or grant a variance if same is requested is the ZBA. So as far as this is concerned, it's kind of a moot question. The

difficulty involved here is to interpret the statute as required on its face would result in a nonsensical interpretation.

MR. PETRO: Let me see if I can help you with this as far as the setback, the variance being needed for the other members. The railroad side, I don't believe we need a variance for that. This is my opinion. If we don't have to have a setback, we certainly can't hold an applicant accountable for a height requirement, if there's no setback posted so take that away, I don't think he needs any other variances. Is that correct?

MR. KENNEDY: No, we're far enough with the other property lines for the height of the building.

MR. KRIEGER: It's not within the Planning Board's power to determine that one way or another so that if he receives site plan approval, and he's subsequently denied by the building inspector, then his remedy is to go to the Zoning Board of Appeals.

MR. PETRO: It's going to be my recommendation that we do not hinder this application any further on that premise and move forward.

MR. KRIEGER: I agree. The Planning Board doesn't have the power to do that.

MR. PETRO: Carl?

MR. SCHIEFER: I have no problem with it. Let me ask our attorney, you're saying we can't make the decision we're making.

MR. KRIEGER: No, I'm saying that the decision you're making is precisely the decision that you have the power to make and that is, it's not your problem. So it shouldn't hold up the application.

MR. SCHIEFER: I'll go along with Mr. Petro.

MR. PETRO: If you don't have a, Mike, excuse me here for a second, this is going to come back to you if we don't have a setback regulation, we shouldn't have a

height regulation on the same side.

MR. BABCOCK: The only thing that is exempt, Jimmy, is the setback, not the height. That is the difficulty here, there's no required setback from an operating railroad so let's forget about the setback, he doesn't have to have one but he does have to have building height and building height is regulated from the distance to the nearest lot line.

MR. KRIEGER: When they enacted the ordinance, basically you have a situation where the two of them don't match, they created an exception with the railroad and they forgot about its affect on building height. So as far as anybody can see in the statute so that there is a gap there, how that gap is determined what I am indicating is how that gap is determined is not the proper business of the Planning Board.

MR. PETRO: Then my question is going to be to you then the building department if we proceed with this, how are you going to issue a building permit if you still say there's an outstanding zoning problem for a variance for the height? I want to proceed as if the problem didn't exist at all.

MR. LANDER: 30 feet, Mike, so if you have a, you can have a 12 foot building.

MR. PETRO: Is this building rounded also?

MR. KENNEDY: Yes, as it shows in the detail.

MR. LANDER: Yeah, we have 32 foot 6 inch structure, building, whatever you want to call it. I'm in agreement with Jimmy, I don't see if there's not a setback requirement then I think the building height actually, if you look at this plan here, this building really is 32 1/2 feet high but yet it's built on a berm anyway.

MR. KENNEDY: Built on a berm, there is a low spot in the middle.

MR. LANDER: How tall is the building?

MR. KENNEDY: It's more of a plastic tent than anything else.

MR. PETRO: Put the plan up so we can see it.

MR. SCHIEFER: I'll go along with it but Mike's got a problem, I think they are trying to get a decision. If Mike will give us a decision, he's not going to object, I'll go with it. Otherwise, that is coming off right now, get it done right.

MR. KRIEGER: Even if he does that is a separate question than the questions that are properly in front of the Planning Board, regardless of what he does, the Planning Board should ignore that question in approving the site plan.

MR. SCHIEFER: If he is going to stop it later on, let's get it to the ZBA and get it done. I understand what you're saying.

MR. KENNEDY: But if he would stop it later on, can we get the site plan approval?

X MR. PETRO: No, it has to be done in a normal  
✓ procedure.

MR. SCHIEFER: You have to go through the whole thing.

MR. PETRO: We deny, send to the zoning and he can come back.

MR. KRIEGER: Well, if the purpose for doing that is to allow the applicant to get to the Zoning Board, there's another way for him to get to the Zoning Board. In this case, if the Planning Board were to approve the site plan, say Planning Board's done with it and the building inspector again denies him, then he takes that denial, that is his basis to go to the Zoning Board, he doesn't have to come back here.

MR. PETRO: Mark, what's your input?

MR. EDSALL: I can see where the ordinance conflicts

with itself. I can understand Mike's comment that you need not ignore height because you're being told that you don't have to have a specific setback. So I would say that it's a conflict within the ordinance and I believe the law says that the ZBA makes those decisions, I don't believe that we make those decisions.

MR. PETRO: There's absolutely a conflict in my mind in the ordinance. But matter of procedure, you're telling us we can go along with the Planning Board procedure at this point, we can grant final approval. The building department is going to pick up the zoning problem and send it to the ZBA, no need to come back here.

MR. KRIEGER: Your approval of the site plan does not automatically entitle him to a building permit. It allows him to, it qualifies him under one of the criteria that he has to get a site plan for this type of building and he has one so he is satisfied under the hypothesis. If he has another requirement that is someplace else.

MR. SCHIEFER: Then when he goes to the ZBA, if he gets the variance, he doesn't have to come back?

MR. KRIEGER: Correct.

MR. PETRO: Is there a problem with that, Mike?

\* MR. BABCOCK: No, it's not our normal procedure but that is fine. It's fine.

MR. KRIEGER: The reason that normally it is done with a ZBA referral in between is because the Zoning Board question has to do with the health, safety and welfare of the community.

MR. PETRO: We also have a conflicting ordinance here, too.

MR. KRIEGER: This is a peculiarity that doesn't--

MR. PETRO: Let's proceed with the site plan.

MR. LANDER: If we grant approval for this, he gets sent to the Zoning Board, they deny then where are we?

MR. PETRO: He's just nowhere.

MR. LANDER: He's nowhere but he has approval for this.

MR. KRIEGER: Yes, he's now satisfied.

MR. PETRO: He only has Planning Board approval.

MR. LANDER: He can't put the structure up because he can't get a building permit yet. The DEC told this man put this structure up, otherwise they might revoke the permit.

MR. KENNEDY: Yeah, and the biggest problem here, ZBA is difficult this time because the DEC made them go in there and build the pads ahead of time before they put up the building.

MR. LANDER: I think Mr. Chairman, we should send him to the ZBA and then let him come back.

MR. PETRO: Well, it is normal procedure we have fire approval on 9/94 and highway on 9/9/94. Pat, I think that is the best way to do it, get to the ZBA.

MR. KENNEDY: That is why we had this discussion.

MR. PETRO: When you're done, it's going to be so straightforward, especially since the DEC is going to require this, I don't see any--can I have a motion?

MR. SCHIEFER: I'll make a motion to approve the site plan plan.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded to approve Clean Earth of New York State site plan amendment on Mertes Lane. Any further discussion from the board members? If not, roll call.

ROLL CALL

September 11, 1994

12

MR. SCHIEFER NO  
MR. LANDER NO  
X MR. PETRO NO

MR. PETRO: Once you have the proper variances, contact Myra and we'll put you on the next agenda.

CLEAN EARTH SITE PLAN (94-13) - MERTES LANE

Patrick Kennedy appeared before the board for this proposal.

MR. KENNEDY: This is the original site plan that was approved. What we've come back with is since this approval, we've had various DEC requirements that we've had to take care of. This is the first permanent site like this that was happening at the time in the state and they were writing their regulations as we went along here. So there are a lot of changes that were made. The area where the soil that was the contaminated soil that was coming in that area had to be blacktopped, there had to be berms around the blacktop. They are requiring a structure over the material, which is basically a steel frame with a giant tarp like you see on the sites when they take contaminated gasoline, contaminated soil out of the ground, they cover it with tarps so the rain don't wash amount contaminants into everything. This is a framed tarp that covers this material cause they are going in there where loaders are putting it into the machine for cleaning so they require that to be covered.

MR. PETRO: Let me ask you there is this amendment for a building for 65 for 115 feet with a height of 32.5 feet, is this the enclosure that you are talking about at this time?

MR. KENNEDY: Yes, just nothing but a frame with a tarp, it's open on the ends, it's not an enclosed building.

MR. VAN LEEUWEN: Just to keep the water off the soil.

MR. KENNEDY: Keep the rain from hitting the contaminated soil and washing any gasoline or whatever it's contaminated with into the drainage systems.

MR. PETRO: No other building proposed at this time?

MR. KENNEDY: No, the only other structure that is on there is the office which is an office trailer.



MR. PETRO: That was on the original plan.

MR. KENNEDY: That is correct. This is the original trailer and it is on that site and everything that the DEC has asked for including screening along the berms and everything else that is all in place. They had every step that they asked for they wanted to see it done and complete and in place before we went on to the next step so everything that they've asked for except the structures, the covers are there, even the machine sits on site.

X MR. PETRO: I have a note that says there's a full tank on the property and three unregistered trailers. Do you know anything about that? Tell us where they are.

MR. KENNEDY: There's a couple of tractor trailers over in this area, I believe that is just holding their equipment while they are doing construction. I don't know, I have no idea what else is in them.

MR. PETRO: Mike, do you know what's in the trailers and why they are there?

MR. BABCOCK: No, I don't, I didn't do the inspection on this site.

MR. PETRO: Tractor trailers used for storage probably, right?

MR. BABCOCK: Yeah, I think they are.

MR. PETRO: I believe there's an ordinance against that, isn't that true in New Windsor?

MR. BABCOCK: That is correct. If somebody's moving in, moving in on the site and they are bringing materials or equipment in on them, that is not a problem but if they are leaving them there.

MR. PETRO: If they are on blocks.

MR. KENNEDY: I don't believe that is the case, that they are on blocks.

MR. PETRO: I don't know think they are.

MR. KENNEDY: I don't know any reason why they'd need the trailers on on site once the operation begins.

MR. PETRO: Fuel tank. Do you know the location of the fuel tank?

MR. KENNEDY: No, I don't.

MR. PETRO: Mike, do you know anything about the fuel tank? You didn't do the inspection?

MR. BABCOCK: No, I didn't do that one, Jimmy.

MR. PETRO: We can still handle the fuel tank through the building department. If it's in violation, we can call them in general for the fuel tank.

MR. KENNEDY: They put in a holding tank here which there's a drainage system in the area where the contaminated soil is so material can come in wet and anything that gets washed through the soil will go into this drainage system into that tank for holding. Then it will be trucked out of there. So it does not go into the drainage system. That is the only tank I'm aware of. I know the cleaning machine runs on gas.

MR. BABCOCK: Most of them run on number 2 fuel oil.

MR. KENNEDY: Regardless but it is a semi-portable machine. This machine can be taken apart and brought somewhere else. So I don't know why they'd have a permanent fuel tank there. I'm not aware there's one there. Only thing I know is the holding tank that the DEC had asked for.

MR. PETRO: Mark, the 32.5 height of the building the roof of the building, does that pose a problem? You asked for some revisions to the zoning bulk table.

MR. EDSALL: Obviously, it's my understanding that it's a structure under the code so has to be evaluation made as to the setback and structure heights and I don't believe that that has been updated on the plan unless

this board believes that that is not a structure.

MR. PETRO: What's the frame structure? What is it going to be made of, steel?

MR. KENNEDY: Tubular steel frame with nothing more than what amounts to a tarp over it.

MR. PETRO: What kind of top?

MR. KENNEDY: A tarp, I don't believe it's a solid top.

MR. PETRO: So basically, it's on something that can be turned into a building?

MR. KENNEDY: Oh, no, no, it's going to go around that paved area, there's no real floor to it or anything else.

MR. LANDER: We don't have any pictures of the structure, do we, Pat?

MR. KENNEDY: I have, I had shown it to Bobby Rogers at the workshop.

MR. LANDER: Can you call a structure something with a permanent roof? I don't know, he has said it doesn't have a permanent roof.

MR. BABCOCK: There's a definition of a structure in our zoning ordinance and if you read that, it's--

MR. LANDER: Really confuses you, probably.

MR. BABCOCK: It's everything that you can imagine, any assembly of materials is how it starts.

MR. KENNEDY: All it is is a diagram from the manufacturer.

MR. LANDER: Looks like a greenhouse.

MR. PETRO: But it's not something that can actually be enclosed and made into a building?

MR. KRIEGER: Where is the definition?

MR. BABCOCK: 4837.

MR. LANDER: We're talking about just a top on it?

MR. KENNEDY: It's going to be open on the ends, going to have loaders in and out too, no doors to close or anything.

MR. LANDER: Still going to have sides on it, just have to come in each end from what that diagram there shows, is it a structure. This only shows me the top and I can't read what this says.

MR. PETRO: Mark, your interpretation of this by law it's going to be considered a structure so by law we have to look at bulk tables and the setbacks or do we or don't we?

MR. EDSALL: Well, again, once Andy looks up the definition.

MR. KRIEGER: In my opinion, it's a structure. The definition in New Windsor includes everything, a combination of materials which form a construction that is safe and stable and includes and there's a following list.

MR. PETRO: And every house from here to Chester.

MR. KRIEGER: Only in New Windsor.

MR. LANDER: So, it's a structure?

MR. PETRO: You'll just have to get the setbacks.

MR. KENNEDY: We're a hundred feet from the front yard and side yard and there's no requirement on the rear yard because we're against an active railroad and on a commercial lot there's no setback.

MR. EDSALL: What about building height?

MR. KENNEDY: Why?

MR. EDSALL: It's a good idea that the plan be made complete and he complete the bulk table for whatever is going on the site.

MR. VAN LEEUWEN: You might have to make it 30 feet.

MR. KENNEDY: I have to go back and check, this is something they worked out with their engineer and the DEC. I have to check if there's a specific thing why that 32.6 feet came into effect.

MR. LANDER: Probably to allow for the dumping height.

MR. KENNEDY: Again, I have to check them with them and their engineer.

MR. PETRO: Do any board members have any problem with this proposed structure, if we get all the necessary information on the map?

MR. LANDER: No, he needs it, DEC is requiring this. I have no problem with it, as long as the DEC is requiring it.

MR. VAN LEEUWEN: I have to abstain.

MR. SCHIEFER: I have no problem. DEC is going to set the standards of what they want in this type of building. They know more about it than we do.

MR. PETRO: Let's see what else we can clean up here tonight, the public hearing, we have done, I believe, a couple, we did a public hearings on the original site plan so we have a discretionary judgment here. ?

MR. LANDER: On this type of structure here, Mr. Chairman, I think we can make a motion to waive public helping.

MR. SCHIEFER: Second it.

X MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board under it's discretionary judgement under paragraph 48-19 C of the Town Zoning

Local Law not have a public hearing for Clean Earth of New York Site Plan Amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	ABSTAIN
MR. SCHIEFER	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Probably should do lead agency before that but--

MR. SCHIEFER: I'll make a motion New Windsor Planning Board take lead agency on the Clean Earth of New York Site Plan Amendment.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Clean earth of New York Site Plan Amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	ABSTAIN
MR. SCHIEFER	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I think we're going to go as far as we can tonight if you can get everything on the map, that's required.

MR. KENNEDY: You're talking about setbacks and so on?

MR. PETRO: Setbacks and all the zoning.

MR. KENNEDY: It's on there.

MR. PETRO: All the bulk requirements and setbacks, the height.

MR. KENNEDY: The thing is it's on here, zoning is on here, your heights are on here.

MR. PETRO: What are we missing on here?

MR. EDSALL: As far as I can see, there's no required building height number provided from what is on the table, just says 6 inch to the nearest lot line, it should be computed and I would assume if I understand the plan correctly, that would allow a 15 foot height. If that is the case, this shows 32 1/2. So I would think you have to make some adjustments and make it comply.

MR. KENNEDY: What I have to do is find out where the height came from and if it's absolutely necessary.

MR. EDSALL: Or maybe, Pat, find out if that pad can be shifted slightly to make your allowable height greater.

MR. KENNEDY: It's all in place they made them put all that in place everything is there.

MR. EDSALL: It's already built?

MR. KENNEDY: Everything is there, they would not go from one step to the other until they saw it. They were coming up with regulations as we went along. They had no regulations for this type of use so they were creating them as we went along, one step at a time.

MR. PETRO: You have to look into the heights.

MR. LANDER: I know 15 foot is going to be difficult because of the machines.

(Whereupon, Mr. Dubaldi entered the room.)

MR. KENNEDY: Dump trucks and everything else.

MR. PETRO: Which means he might be looking at the Zoning Board so let's do this right and get it all defined. Come back, if you do need Zoning Board, we'll turn you down and get you sent to Zoning Board. You'll

June 8, 1964

19

be on the next agenda for sure. Also, while you're going back there, please find out about the trailers so we can plot the fuel tank on the map, if you can plot it on the map so we know what we're talking about.

\* MR. LANDER: Nothing else has changed on here, right, Pat?

✓ MR. KENNEDY: No, basically the only thing we've changed on this is what the DEC has asked for.

MR. PETRO: Okay, Pat, anything else, Henry, Carl?

MR. LANDER: No, nothing.

MR. PETRO: Okay, thank you.



May 25, 1994

22

CLEAN EARTH AMENDED SITE PLAN (94-123) MERTES LANE

MR. PETRO: He's not here at this time so we will go to the next item on the agenda.

RESULTS OF P.B. MEETING

DATE: May 25, 1994

PROJECT NAME: Clean Earth Amended S.P. PROJECT NUMBER 94-13

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_

\* M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_

CARRIED: YES\_\_\_ NO\_\_\_

\* CARRIED: YES:\_\_\_ NO\_\_\_

\*\*\*\*\*

PUBLIC HEARING: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_

WAIVED: YES\_\_\_ NO\_\_\_

SEND TO OR. CO. PLANNING: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

SEND TO DEPT. OF TRANSPORT: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

DISAPP: REFER TO Z.B.A.: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

RETURN TO WORK SHOP: YES\_\_\_ NO\_\_\_

APPROVAL:

M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ APPROVED:\_\_\_

M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ APPR. CONDITIONALLY:\_\_\_

NEED NEW PLANS: YES\_\_\_ NO\_\_\_

DISCUSSION/APPROVAL CONDITIONS:\_\_\_

No Show

Came too late for meeting

INTER-OFFICE CORRESPONDENCE

**TO:** Town Planning Board  
**FROM:** Town Fire Inspector  
**DATE:** 28 September 1994  
**SUBJECT:** Clean Earth, Inc.

Planning Board Reference Number: PB-94-13  
Dated: 21 September 1994  
Fire Prevention Reference Number: FPS-94-059

A review of the above referenced subject site plan was conducted on 28 September 1994.

This site plan is accepted.

Plans Dated: 16 September 1994 Revision 5

  
Robert F. Rodgers, C.C.A.

RFR/mvz

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553



1763

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 94- 13

DATE PLAN RECEIVED: RECEIVED SEP 21 1994 Rev 2

The maps and plans for the Site Approval Clean Earth, Inc.  
Subdivision \_\_\_\_\_ as submitted by

Clean Earth, Inc. for the building or subdivision of  
Accessory Bldg for D.E.C. Requirement ☒ has been  
reviewed by me and is approved \_\_\_\_\_  
disapproved \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

NO WATER

HIGHWAY SUPERINTENDENT

DATE

WATER SUPERINTENDENT

DATE

SANITARY SUPERINTENDENT

DATE



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF

New Windsor

P/B #

94-13

WORK SESSION DATE:

21 SEPT 94

APPLICANT RESUB.

REQUIRED:

Revised Plans  
(he had them  
with him)

REAPPEARANCE AT W/S REQUESTED:

No

PROJECT NAME:

Clean Earth.

PROJECT STATUS:

NEW

X

OLD

REPRESENTATIVE PRESENT:

Pat K.

MUNIC REPS PRESENT:

BLDG INSP.

X

FIRE INSP.

X

ENGINEER

X

PLANNER

P/B CHMN.

OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

SI' off rear now so no variance needed

everything else seems done

next avail agenda

(Don) (Jim Mc Grane)

4MJE91 pbwsform



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER,

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **94- 13**

DATE PLAN RECEIVED: **RECEIVED SEP 7 1994** *Rev. 1*

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_  
\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_  
\_\_\_\_\_ has been  
reviewed by me and is approved ☒ \_\_\_\_\_  
disapproved ☐ \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Signature]* *9/9/94*  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE

**RETAKE  
OF  
PREVIOUS  
DOCUMENT**

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553



1763

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, ~~REDACTED~~

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER **94- 13**

DATE PLAN RECEIVED: **RECEIVED SEP 7 1994** *Rev. 1*

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_  
\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_  
\_\_\_\_\_ has been  
reviewed by me and is approved ☒ \_\_\_\_\_  
disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Signature]* *9/9/94*  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM



1763

TO: FIRE INSPECTOR, D.O.T., ~~SEWER~~, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **94- 13**

DATE PLAN RECEIVED: **RECEIVED SEP 7 1994** *Rev. 1*

The maps and plans for the Site Approval Clean Earth, Inc.

Subdivision \_\_\_\_\_ as submitted by

Patrick Kennedy for the building or subdivision of

Clean Earth has been

reviewed by me and is approved ~~disapproved~~ town water available

disapproved \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

HIGHWAY SUPERINTENDENT DATE

*X* WATER SUPERINTENDENT DATE *9/9/94*

SANITARY SUPERINTENDENT DATE

**INTER-OFFICE CORRESPONDENCE**

**TO:** Town Planning Board

**FROM:** Town Fire Inspector

**DATE:** 9 September 1994

**SUBJECT:** Clean Earth Inc. Site Plan

Planning Board Reference Number: PB-94-13  
Dated: 7 September 1994  
Fire Prevention Reference Number: FPS-94-051

A review of the above referenced subject site plan was conducted on 8 September 1994.

This site plan is acceptable.

Plans Dated: 15 August 1994 Revision 4

  
Robert F. Rodgers, C.C.A. (mvz)

RFR/mvz



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **94- 13**

DATE PLAN RECEIVED: **RECEIVED MAY 9 1994**

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_  
\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_  
\_\_\_\_\_ has been  
reviewed by me and is approved \_\_\_\_\_,  
disapproved ☒ \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

WATER NOT AVAILABLE

HIGHWAY SUPERINTENDENT

DATE

WATER SUPERINTENDENT

DATE

SANITARY SUPERINTENDENT

DATE

INTER-OFFICE CORRESPONDENCE

**TO:** Town Planning Board

**FROM:** Town Fire Inspector

**DATE:** 16 May 1994

**SUBJECT:** Clean Earth, Inc. Site Plan

Planning Board Reference Number: PB-94-13

Dated: 9 May 1994

Fire Prevention Reference Number: FPS-94-020

A review of the above referenced subject site plan was conducted on 12 May 1994.

This site plan is acceptable.

Plans Dated: 11 April 1994 Revision 3

*Robert F. Rodgers, C.C.A. (mvz)*  
Robert F. Rodgers, C.C.A.

RFR/mvz

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

(This is a two-sided form)

APPLICATION FOR SITE PLAN, SUBDIVISION PLAN,  
OR LOT LINE CHANGE APPROVAL

1. Name of Project Site Plan for Clean Earth of New York, Inc.
2. Name of Applicant Clean Earth of New York Inc Phone 561-7620  
Address P.O. Box 87 Vails Gate N.Y. 12594  
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Same Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Patrick T. Kennedy, LS Phone ~~562-4473~~ 562-6444  
Address 219 Quassaick Ave. New Windsor N.Y. 12553  
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney — Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Patrick T. Kennedy, LS Phone 562-6444  
(Name)
7. Location: On the Southerly side of Mertes Lane  
295 feet west of Temple Hill Rd (NYS Rte 300)  
(Direction) (Street)
8. Acreage of Parcel 2.512ac 9. Zone P.I., 9A. School Dist \_\_\_\_\_  
9B. If this property is within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District, please complete the attached Agricultural Data Statement.
10. Tax Map Designation: Section 68 Block 2 Lot 2.1
11. This application is for Modification to Existing Site Plan  
showing NYS DEC required changes for work permit

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No

If so, list Case No. and Name \_\_\_\_\_

13. List all contiguous holdings in the same ownership

Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

Dominic Maselli being duly sworn, deposes and says that he resides at PO Box 87, Vaik Gate in the County of Orange and State of New York and that he is (the owner in fee) of Sec. 1 Trans.  
(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized \_\_\_\_\_ to make the foregoing application as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

12 day of April 1994

(Owner's Signature)

[Signature]  
(Applicant's Signature)

(Title)

[Signature]  
STEPHEN J. MONTONE  
NOTARY PUBLIC, STATE OF NEW YORK  
RESIDING IN ORANGE COUNTY  
COMMISSION EXPIRES DEC. 8, 1994

PROJECT I.D. NUMBER

617.21

Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

SEQR

RECEIVED MAY 9 1994

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>Clean Earth of New York, Inc.</u>	2. PROJECT NAME <u>Site Plan Modification for Clean Earth of New York Inc.</u>
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>South Side of Mertes Lane, 295 feet west of Temple Hill Rd (NYS Rte 300). Tax Map Section 68, Block 2, Lot 2.1</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Stationary Soil Remediation Site -</u> <u>cleaning of Gasoline/oil Contaminated Soil</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>2.512</u> acres Ultimately <u>2.512</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <u>N.Y.S.D.E.C., Permit to Construct</u> <u>Permit # 3-3348-00137/00001-0 issued Aug. 19, 1993</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <u>Town of New Windsor Site Plan Approval</u> <u>NYS DEC Permit to Construct</u>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>Town approval to be modified to include DEC requirements</u>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Clean Earth of N.Y. Inc. Dominic Maselli</u> Date: <u>4/12/92</u>	
Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT** (To be completed by Agency)

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:</b> (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:   C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:   C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:   C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:   C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:   C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:   C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:     	
<b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, explain briefly:     	

**PART III—DETERMINATION OF SIGNIFICANCE** (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)

\_\_\_\_\_  
Date




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PROXY STATEMENT  
for submittal to the  
TOWN OF NEW WINDSOR PLANNING BOARD

Dominic Maselli, deposes and says that he  
resides at Mertes Lane, P.O. Box 87 Vails Gate  
(Owner's Address)  
in the County of Orange  
and State of New York  
and that he is the owner in fee of Tax Map Section 68  
Block 2 Lot 2.1

which is the premises described in the foregoing application and  
that he has authorized Patrick T. Kennedy L-S  
to make the foregoing application as described therein.

Date: 4/12/94

  
(Owner's Signature)

  
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF  
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT  
AND/OR OWNER AT THE MEETINGS.

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN CHECKLIST

94 - 13

ITEM

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Site Plan Title                     | 29. <input checked="" type="checkbox"/> Curbing Locations                   |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s)                 | 30. <input checked="" type="checkbox"/> Curbing Through Section             |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es)             | 31. <input checked="" type="checkbox"/> Catch Basin Locations               |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name           | 32. <input checked="" type="checkbox"/> Catch Basin Through Section         |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address        | 33. <input checked="" type="checkbox"/> Storm Drainage                      |
| 6. <input checked="" type="checkbox"/> Drawing Date                        | 34. <input checked="" type="checkbox"/> Refuse Storage                      |
| 7. <input checked="" type="checkbox"/> Revision Dates                      | 35. <input checked="" type="checkbox"/> Other Outdoor Storage               |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET                      | 36. <input checked="" type="checkbox"/> Water Supply                        |
| 9. <input checked="" type="checkbox"/> Site Designation                    | 37. <input checked="" type="checkbox"/> Sanitary Disposal Sys.              |
| 10. <input checked="" type="checkbox"/> Properties Within 500 Feet of Site | 38. <input checked="" type="checkbox"/> Fire Hydrants                       |
| 11. <input checked="" type="checkbox"/> Property Owners (Item #10)         | 39. <input checked="" type="checkbox"/> Building Locations                  |
| 12. <input checked="" type="checkbox"/> PLOT PLAN                          | 40. <input checked="" type="checkbox"/> Building Setbacks                   |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser)         | 41. <input checked="" type="checkbox"/> Front Building Elevations           |
| 14. <input checked="" type="checkbox"/> Metes and Bounds                   | 42. <input checked="" type="checkbox"/> Divisions of Occupancy              |
| 15. <input checked="" type="checkbox"/> Zoning Designation                 | 43. <input checked="" type="checkbox"/> Sign Details                        |
| 16. <input checked="" type="checkbox"/> North Arrow                        | 44. <input checked="" type="checkbox"/> BULK TABLE INSET                    |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners           | 45. <input checked="" type="checkbox"/> Property Area (Nearest 100 sq. ft.) |
| 18. <input checked="" type="checkbox"/> Existing Building Locations        | 46. <input checked="" type="checkbox"/> Building Coverage (sq. ft.)         |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas               | 47. <input checked="" type="checkbox"/> Building Coverage (% of Total Area) |
| 20. <input checked="" type="checkbox"/> Existing Vegetation                | 48. <input checked="" type="checkbox"/> Pavement Coverage (Sq. Ft.)         |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress           | 49. <input checked="" type="checkbox"/> Pavement Coverage (% of Total Area) |
| <u>PROPOSED IMPROVEMENTS</u>   | 50. <input checked="" type="checkbox"/> Open Space (Sq. Ft.)                |
| 22. <input checked="" type="checkbox"/> Landscaping                        | 51. <input checked="" type="checkbox"/> Open Space (% of Total Area)        |
| 23. <input checked="" type="checkbox"/> Exterior Lighting                  | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Proposed.     |
| 24. <input checked="" type="checkbox"/> Screening                          | 53. <input checked="" type="checkbox"/> No. of Parking Required.            |
| 25. <input checked="" type="checkbox"/> Access & Egress                    |   |
| 26. <input checked="" type="checkbox"/> Parking Areas                      |   |
| 27. <input checked="" type="checkbox"/> Loading Areas                      |   |
| 28. <input checked="" type="checkbox"/> Paving Details (Items 25-27)       |   |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: 

Licensed Professional

Date: April 10, 1994

ECC/624

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94-13

## ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

94-13  
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FOR OFFICIAL USE ONLY

Permit No. \_\_\_\_\_

Fee Received \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ County, New York

Permit Application for Development  
in  
Flood Hazard Areas

- A. General instructions page 4 (Applicant to read and sign)  
B. For assistance in completing or submittal of this application contact:

\_\_\_\_\_, Floodplain Administrator,  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_, NY ( ) \_\_\_\_\_ - \_\_\_\_\_.

1. Name and Address of Applicant

Clean Earth of New York, Inc.  
(First Name) (MI) (Last Name)

Street Address: Mertes Lane

Post Office: Vails Gate State: NY Zip Code: 12584

Telephone: (914) 561-7680

2. Name and Address of Owner (If Different)

(First Name)

(MI)

(Last Name)

Street Address:

**Post Office:**

**State:**

Zip Code:

Telephone: (

3. <sup>↑</sup> Engineer, Architect, Land Surveyor (If Applicable)

Palmer.

                      
(First Name)

---

(MI)

Kennedy

(Last Name)

LS

**Street Address:**

219 Quassack Ave.

**Post Office:**

New Windsor

**State:**

24

**Zip Code:**

12553

Telephone:

9141

562-

6844

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94-13

PROJECT LOCATION

Street Address: Mertes Lane

Tax Map No. 68-2-2-1

New Windsor

Name of, distance and direction from nearest intersection or other landmark  
So. Side Mertes Lane, 295 feet W. of Temple Hill RD

Name of Waterway: \_\_\_\_\_

PROJECT DESCRIPTION (Check all applicable boxes and see Page 4, Item 3)

Structures

Structure Type

☐ New Construction  
☐ Addition  
☐ Alteration  
☐ Relocation  
☐ Demolition  
☐ Replacement

☐ Residential (1-4 family)  
☐ Residential (More than 4 family)  
☐ Commercial  
☐ Industrial  
☐ Mobile Home (single lot)  
☐ Mobile Home (Park)  
☐ Bridge or Culvert

Estimated value of improvements if addition or alteration: \_\_\_\_\_


Other Development Activities

☐ Fill    ☐ Excavation    ☐ Mining    ☐ Drilling    ☐ Grading  
☐ Watercourse alteration    ☐ Water System    ☐ Sewer System  
☐ Subdivision (New)    ☐ Subdivision (Expansion)  
☐ Other (Explain)

CERTIFICATION

Application is hereby made for the issuance of a floodplain development permit. The applicant certifies that the above statements are true and agrees that the issuance of the permit is based on the accuracy thereof. False statements made herein are punishable under law. As a condition to the issuance of a permit, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless to the community from suits, actions, damages and costs of every name and description resulting from the said project. Further, the applicant agrees that the issuance of a permit is not to be interpreted as a guarantee of freedom from risk of future flooding. The applicant certifies that the premises, structure, development, etc. will not be utilized or occupied until a Certificate of Compliance has been applied for and received.

4/12/94  
Date

  
Signature of Applicant

04-13

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\_\_\_\_\_ of \_\_\_\_\_  
Flood Hazard Development Permit

Administrative Action  
Completed by Floodplain Administrator

Proposed project located in \_\_\_\_\_ "A" zone with elevation  
\_\_\_\_\_ "A" zone without elevation  
\_\_\_\_\_ Floodway  
\_\_\_\_\_ Coastal High Hazard Area (V-Zone)

Base flood elevation at site is \_\_\_\_\_

Source documents: \_\_\_\_\_

PLAN REVIEW

Elevation to which lowest floor is to be elevated \_\_\_\_\_ ft. (NGVD)  
Elevation to which structure is to be floodproofed \_\_\_\_\_ ft. (NGVD)  
Elevation to which compacted fill is to be elevated \_\_\_\_\_ ft. (NGVD)

ACTION

\_\_\_\_\_ Permit is approved, proposed development in compliance with applicable floodplain management standards.  
\_\_\_\_\_ Additional information required for review. Specify: (i.e, encroachment analysis)  
\_\_\_\_\_



\_\_\_ Permit is conditionally granted, conditions attached.

\_\_\_ Permit is denied. Proposed development not in conformance with applicable floodplain management standards. Explanation attached. A variance, subject to Public Notice and Hearing, is required to continue project.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Permit Issuing Officer)

This permit is valid for a period of one year from the above date of approval.

BUILDING CONSTRUCTION DOCUMENTATION

The certified "As Built" elevation of lowest floor (including basement) of structure is \_\_\_\_\_ ft. NGVD.

Certification of registered professional engineer, land surveyor or other recognized agent, documenting these elevations is attached.

CERTIFICATE OF OCCUPANCY/COMPLIANCE

Certificate of Occupancy and/or Compliance Issued:

Date \_\_\_\_\_ Signature \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ County, New York

**Development in Flood Hazard Areas  
Instructions**

1. Type or print in ink
2. Submit \_\_\_\_\_ copies of all papers including detailed construction plans and specifications.
3. Furnish plans drawn to scale, showing nature, dimension and elevation of area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following is required: (A) NGVD (Mean Sea Level) elevation of lowest floor including basement of all structures; (B) description of alterations to any watercourse; (C) statement of techniques to be employed to meet requirements to anchor structures, use flood resistant materials and construction practices; (D) show new and replacement potable water supply and sewage systems will be constructed to minimize flood damage hazards; (E) Plans for subdivision proposal greater than 50 lots or 5 acres (whichever is least) must provide base flood elevations if they are not available; (F) Additional information as may be necessary for the floodplain administrator to evaluate application.

4. Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the local floodplain management regulations.
5. No work on the project shall be started until a permit has been issued by the floodplain administrator.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory compliance.
7. Applicant will provide all required elevation certifications and obtain a certificate of compliance prior to any use or occupancy of any structure or other development.

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

CERTIFICATE OF COMPLIANCE  
for  
FLOODPLAIN DEVELOPMENT

94 - 13

\_\_\_\_\_ of \_\_\_\_\_  
County, N.Y.  
(Applicant shall fill in all pertinent information in Section A  
including 1 or 2

SECTION A

Premises location \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant  
Name & Address \_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Permit No. \_\_\_\_\_  
Variance No. \_\_\_\_\_  
Date \_\_\_\_\_

CHECK ONE

New Building \_\_\_\_\_  
Existing Building \_\_\_\_\_  
Other (List) \_\_\_\_\_  
\_\_\_\_\_

1. I certify that I have completed the above project in accordance with the Community's floodplain management regulations and have met all the requirements which were conditions of my permit. I now request completion of this Certificate of Compliance by the program administrator.

Signed \_\_\_\_\_

Date \_\_\_\_\_

2. I certify that I have completed the above project in accordance with conditions of variance number \_\_\_\_\_, dated \_\_\_\_\_ to the Community's floodplain management regulations and have met all requirements which were a condition of the variance. I now request completion of this certificate of compliance by the program administrator.

Signed \_\_\_\_\_

Date \_\_\_\_\_

SECTION B (Local Administrator will complete, file, and return a copy to the applicant.)

Final Inspection Date \_\_\_\_\_ by \_\_\_\_\_

This certifies that the above described floodplain development complies with requirements of Flood Damage Prevention Local Law No. \_\_\_\_\_, or has a duly granted variance.

Signed \_\_\_\_\_  
(Local Administrator)

Date \_\_\_\_\_

Supporting Certifications: Floodproofing, elevation, hydraulic analysis, etc; (List).

\_\_\_\_\_

\_\_\_\_\_



Zoning District: P.I. - Use A-15

Minimum Required	Proposed
Lot Area: 40,000 SF	109,418 SF = 2.512 acres
Lot Width: 150'	560'
Front Yard: 50'	50'
Side Yard: 15/40	20/40
Rear Yard: 20'	NA - See below
St. Frontage: NA	NA
Max Bldg Ht: 5' ft to nearest ft	nearest 2' = 5' ft allowed = 25' 3" Proposed = 24'
Ft. Area Ratio: .6	.1
Lt. Ft. Area: NA	NA
Dev. Cov.: NA	NA

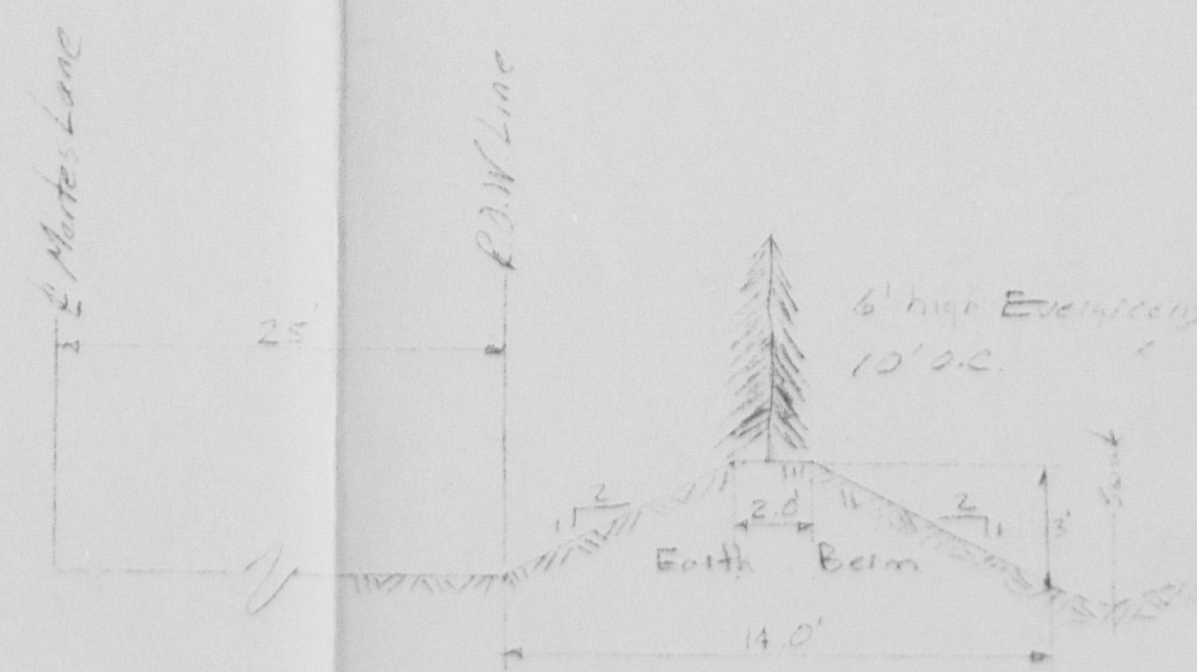
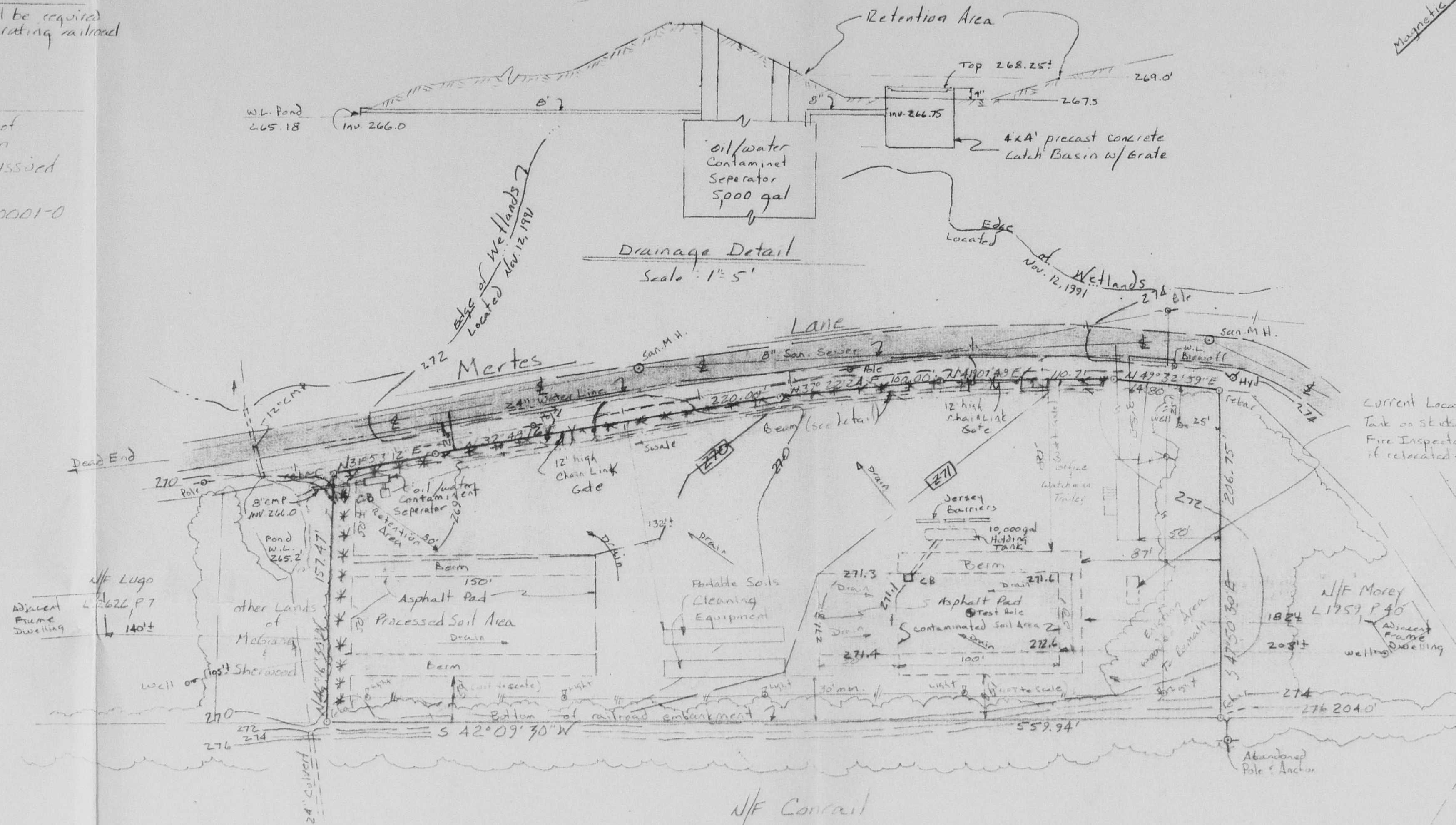
Note: 48-15B-

No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

Note:

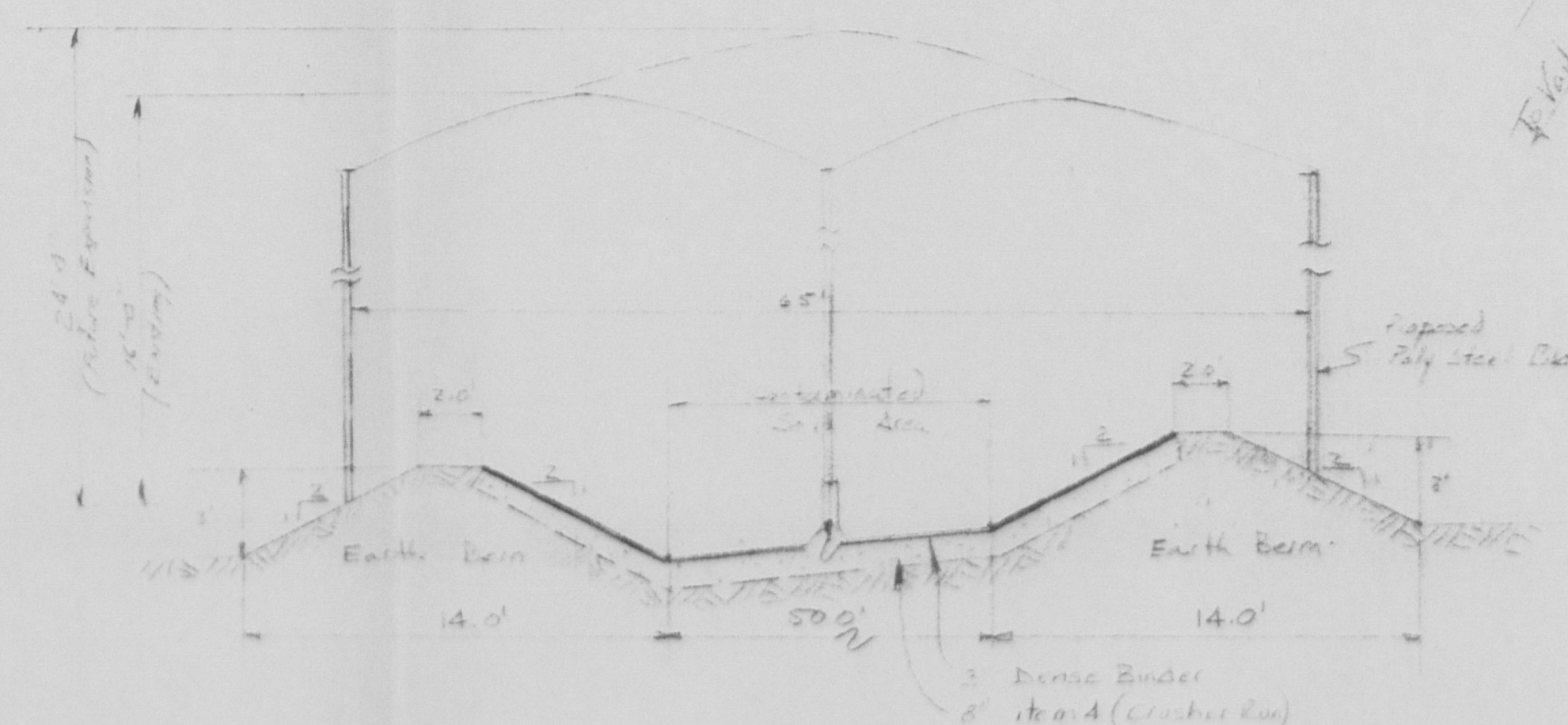
A New York State Dept. of Environmental Conservation Permit to Construct was issued August 19, 1993  
Permit # 3-334B-00137/00001-0

Location Map  
Scale: 1" = 2,000'



Detail: Berm along Mertes Land

Scale: 1" = 5'



Detail: Contaminated Soil Containment Area

Scale: 1" = 5'

Tax Map Data:

Section: 68  
Block: 2  
Lot: 2.1

Deed Reference:

Liber 2278, Page 1036

Notes:

1. Present Land Use: Heavy Equipment & Truck Junk Yard. Use to be abandoned and existing debris removed.
2. Proposed Use: Cleaning of gasoline/oil contaminated soils. Only NYS DEC regulated material to be accepted. All material material coming to the site to be monitored by NYS DEC inspectors as to origin of soils & type of contamination. Upon arrival NYS DEC inspectors will verify the material and after cleaning verify purity. Unacceptable purity to be repressed.
3. A watchman from a licensed security company will be on the site during all non-operating hours to insure no unmonitored material is dumped or removed from site.
4. The contaminated soil will be covered at all times by a 65"x120"x32" Poly Steel Bldg.
5. The contaminated soil will be stockpiled on an asphalt pad with a drainage collection system to a holding tank which will be emptied as needed, by a licensed contractor.
6. As part of the operation records a 4-part manifest will be used, one copy to go to each of the following: 1) Plant 2) Trucking Co. 3) NYS DEC 4) Customer.
7. Prior to operation applicant will obtain all NYS DEC permits required and file copies with the Town Building Inspector.

Applicant & Developer

Clean Earth of New York, Inc.  
P.O. Box 87  
Vails Gate, New York 12594

Record Owners:

James McGrath & Marsha J. Sherwood  
46 Sherwood Tile  
1102 Union Ave.  
Newburgh, N.Y. 12550

The developer of this property has reviewed this plan and is in concurrence with the information & proposals shown herein.

SITE PLAN APPROVAL GRANTED  
BY TOWN OF NEW WINDSOR PLANNING BOARD  
NOV 14 1994  
ON  
BY CARMEN R. DUBALDI, JR.  
SECRETARY

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y. State Education Law.
2. Only copies from the original of this survey map marked within original of the land surveyor's seal and or his embossed seal shall be considered to be valid true copies.
3. Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed herein, and in the possession of the lending institution. Certifications are not transferable to additional institutions or subsequent owner.
4. Underground improvements or encroachments, if any, are not shown herein.

Patrick T. Kennedy, L.S.  
219 Quassaick Ave. New Windsor, New York 12553  
SCALE 1" = 50' DATE Sept. 1/94  
DRAWN BY  
DRAWING NUMBER 41-1167A

RECEIVED SEP 30 1994

94- 13

To James McGrath, Marsha J. Sherwood  
Clean Earth Inc. and The Town of New Windsor  
certified to be correct and accurate.

Oct. 15, 1994